

**Enrolled Minutes of the Twenty-Eighth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, February 09, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular but rescheduled meeting on Monday, February 09, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed an anonymous letter that was circulated to the Town Council, which raised concerns about purchasing policies in the Highland Fire Department and whether or not practices were appropriate or consistent with the Town and State's purchasing law.
3. The Town Council discussed the issue of a Traffic Safety Commission study underway regarding an intersection of Highway Avenue and Johnston Street.

The study session ended at 7:00 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, February 09, 2009 at 7:01 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with the Town Councilor Mark A. Herak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Cecile Petro, Redevelopment Director; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Lisa Gauthier, Karen Ziants and Laurel Roach of the Community Events Commission; Mark Roorda of the Town Board of Metropolitan Police Commissioners; and Ed Dabrowski of the Park and Recreation Board were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 26 January 2009 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2009 Budgets in the **Streets and Sanitation Department of the Corporation General Fund** in the amount of \$97,778.28, in the **Municipal Cumulative Capital Development Fund** in the amount of \$200,000, **Special Events Non-reverting Fund** in the amount of \$10,000, and in the **Unsafe Building Fund**, in the amount of \$10,000.

(a) The Town Attorney verified that the Proofs of Publication were in compliance with IC 5-3-1: The TIMES 28 January 2009.

(b) **Public Hearing.** The Town Council President called the public hearing to order. The following comment was received:

1. James Diehl, 10104 Kennedy Avenue, Highland, inquired about the source of funding for the several proposed additional appropriations and the purposes for them.

There being no further inquiries, the Council President closed the hearing.

(c) Action on **Appropriation Enactment No. 2009-05:** An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Streets and Sanitation Department of the Corporation General Fund** in the amount of \$97,778.28.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of **Enactment No. 2009-05**. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered in the same meeting of introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of **Enactment No. 2009-05**. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-05

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE SANITATION AND STREETS DEPARTMENT OF THE CORPORATION GENERAL FUND PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for **the Sanitation and Streets Department of the Corporation General Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND:

Sanitation (Solid Waste Management) Department

Acct. No. 380.01: Solid Waste Services:

\$ 96,778.28

Acct. No. 380.02:	Roll-off Service:	\$ 1,010.00
	Total Series:	\$ 97,778.28
	Total for Fund:	\$ 97,778.28

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure subject to an order of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9th Day of February 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of February 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (d) Action on **Appropriation Enactment No. 2009-06:** An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Municipal Cumulative Capital Development Fund** in the amount of \$200,000.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of **Enactment No. 2009-06**. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered in the same meeting of introduction.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of **Enactment No. 2009-06**. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-06

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Municipal Cumulative Capital Development Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND:

Acct. No. 390.04: Application Software:	\$ 15,000.00
Total Series:	\$ 15,000.00
Acct. No. 410.02: Town Hall Rehabilitation/Repair:	\$ 50,000.00
Acct. No. 430.03: Furniture and Fixtures:	\$ 5,000.00
Acct. No. 430.09: Computers:	\$ 21,500.00
Acct. No. 430.10: Police Dept. Computers:	\$ 38,500.00
Acct. No. 430.12: Police Dept. Vehicle Replacement:	\$ 70,000.00
Total Series:	\$ 185,000.00
Total for Fund:	\$ 200,000.00

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure subject to an order of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9th Day of February 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of February 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (e) Action on **Appropriation Enactment No. 2009-07**: An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Special Events Non-reverting Fund** in the amount of \$10,000.

Councilor Novak introduced and moved the consideration at the same meeting of introduction of **Enactment No. 2009-07**. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered in the same meeting of introduction.

Councilor Novak moved the passage and adoption at the same meeting of introduction of **Enactment No. 2009-07**. Councilor Herak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-07

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE SPECIAL EVENTS NON-REVERTING FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Events Non-Reverting Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL EVENTS NON-REVERTING FUND:

Acct. No. 386.07 Fireworks:		<u>\$ 10,000.00</u>
	Total Series:	\$ 10,000.00
	Total for Fund:	<u>\$ 10,000.00</u>

Section 2 That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9th Day of February 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of February 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- (f) Action on **Appropriation Enactment No. 2009-08**: An Enactment Appropriating Additional Moneys in Excess of the 2009 Budget in the **Unsafe Building Fund**, in the amount of **\$10,000**.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of **Enactment No. 2009-08**. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered in the same meeting of introduction.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of **Enactment No. 2009-08**. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was adopted.

**TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2009-08**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE UNSAFE BUILDING FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unsafe Building Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same:

UNSAFE BUILDING FUND:

Acct. No. 310.04 Demolition Expenses		\$ 10,000.00
	<i>Total Series:</i>	\$ 10,000.00
	Total for Fund:	<u>\$ 10,000.00</u>

Section 2 That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 9th Day of February 2009. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of February 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Staff Reports: The Council received the following reports as information for the record:

• **Building & Inspection Report for January 2009**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	14	14	0	\$180,970.00	\$2,559.00
Addit/Remodel					
Commercial	4	0	4	\$39,171.00	\$375.00
Addit/Remodel					
Schools/Church remodel/addtn.	0	0		\$0.00	\$0.00
Sheds	0	0	0	\$0.00	\$0.00
Fences	2	2	0	\$7,980.00	\$216.00
Garage	0	0	0	\$0.00	\$0.00
Swimming Pools	0	0	0	\$0.00	\$0.00
Misc. Permits	3	3	0	\$22,736.00	\$438.00
Misc. Flood damage repair	0	0	0	\$0.00	\$0.00
Signs	3	0	3	\$6,490.00	\$795.00
Fire Repair	0	0	0	\$0	\$0
Total:	26	19	7	\$257,347.00	\$4,383.00
Electrical Permits	8	7	1		\$723.00
Mechanical Permits	6	5	1	0	\$541.00
Plumbing Permits	6	6	0		\$608.50
Water Meters	7	4	3		\$1,450.00
Water Taps	0	0	0		\$0.00
Sewer Taps	0	0	0		\$0.00
Total:	13	10	3		\$2,058.50

January Code Enforcement: 214 warnings issued and 42 citations were issued.

There were 32 final building inspections, 6 plumbing inspections, and 18 electrical inspections. There was 1 electrical exam given.

• **Fire Department Report for January 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	13	13	16	
Car Fires	1	1	1	
Still Alarms	9	9	8	
Ambulance calls	0	0	0	

• **Workplace Safety Report for January 2009**

There were no incidents reported in January. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	0	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	0	8	0	0	0	21
Street	0	0	6	0	0	3	2
Water & Sewer	0	0	6	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	0	0	25	0	0	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments made by Town Council President

Legislative or Fiscal Body Appointments made by Town Council

It was reported that the Town Council and the Town Council President were not yet ready to announce or make further appointments as indicated. Without objection, the matter was not taken up.

1. **Redevelopment Commission.**(Executive) (1) Appointment to be made by Council President. This appointment would fill the vacancy made by Mr. Leep's declined appointment.

2. **Community Events Commission (11)** appointments to be made by Town Council.

Special terms renew for four years (2) appointments

Position currently held by Dawn Wolak, term ends 1 January 2009.

Position currently held by Karen Ziants, term ends 1 January 2009.

These terms renew only for one year (9) appointments

The position currently held by Rose James, term ends Jan 1, 2009.

The position currently held by Doreen Kitchell, term ends Jan 1, 2009.

The position currently held by Sheila Wadkins, term ends Jan 1, 2009.

The position currently held by John Breslin, term ends Jan 1, 2009.

The position currently held by Shelly Mayden, term ends Jan 1, 2009.

The position currently held by Brandon Wolak, term ends Jan 1 2009.

The position currently held by Dawn Stevenson, term ends Jan 1. 2009.

The position currently held by Ellen L. Jasin, term ends Jan. 1, 2009.

The position once held by Robert Roach, term ends Jan. 1, 2009. (*Mr. Roach was appointed as an executive appointee to the position being vacated by Karen Biernacki.*)

Unfinished Business and General Orders:

1. Action of the Town Council as appointing authority to consider approval of the **Annual Conflict of Interest Disclosure Statement** filed by **Ed Dabrowski**, possessing ownership in **CBL Consulting, Inc.** which provides IT Director services for the municipality. Mr. Dabrowski is also a member of the Park and Recreation Board. This filing is pursuant to IC 35-44-1-3.

Councilor Herak moved to allow and approve the Conflict Disclosure Statement filed by Ed Dabrowski. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The disclosure form was approved.

2. **Introduced Ordinance No. 1420:** An Ordinance to Amend the Sections in the Municipal Code fixing Special Event Fees and Ratifying Fees imposed in FY 2008. Councilor Herak Introduced and filed Ordinance No. 1420 at the meeting of 26 January 2009. There was no further action.

Councilor Herak moved the passage and adoption of Ordinance No. 1420. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1420**

AN ORDINANCE TO AMEND THE HIGHLAND MUNICIPAL CODE PARTICULARLY ITS SUBCHAPTER STYLED as SPECIAL EVENT FEES AND REPEALING CONFLICTING ORDINANCES

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

WHEREAS, The Town Council as the governing body for the municipality, may establish, aid, maintain, and operate recreation facilities, cultural, historical programs, pursuant to its general culture and recreation powers conferred in IC 36-10-2;

WHEREAS, In order to support the costs associated with planning and executing the Independence Day Festival as well as the other Special Events that the Municipality may from time to time wish to host or conduct, a schedule of fees and charges has been authorized for certain activities conducted by users of space at events;

WHEREAS, The Town Council now desires to modify these fees in order to further perfect its ability to plan, coordinate, implement and conduct special events; and

WHEREAS, The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq. and IC 36-10-2 et sequitur;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA as follows:

Section 1. That Section § 32.47 of the Highland Code of Ordinances is hereby amended by repealing it in its entirety, and replacing it with a new section, which shall be styled as Section § 32.47, which shall read as follows:

§32.47 SPECIAL EVENT FEES AND CHARGES

- (A) *The following fees and charges are hereby established for vendors displaying for sale or exhibit various wares of arts and crafts as part of a special event for which the Community Events Commission has offered support and advice:*

Area used for Exhibit	User Fee
10'x10'	\$300.00 \$250
10'x20'	\$450.00
10'x30'	\$600.00

- (B) *The following fees and charges are hereby established for vendors offering food and beverages for sale as part of a special event for which the Community Events Commission has offered support and advice:*

Space, Area and Electrical Needs used for Exhibit	User Fee
Single Space 10'x10' with 2 outlets 20 amps	\$300.00
Double Space 20'x20' with 4 outlets 40 amps	\$550.00
Trailer One line 220 volt/40 amps	\$550.00

- (C) Vendors identified in this subchapter **are exempt** from the requirements of Chapter 114 of the Municipal Code regulating peddlers and solicitors.

Section 2. That in addition to being in effect from and after the adoption of this ordinance, these fees are hereby authorized retroactively to have applied to events conducted in 2008.

Section 3. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect.

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 26th Day of January 2009. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 9th Day of February 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

3. **Resolution No. 2009-04:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Information and Communications Technology Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-04. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-04**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the INFORMATION AND COMMUNICATIONS TECHNOLOGY FUND as REQUESTED by the DEPARTMENT HEAD or PROPER OFFICER and FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the annual budget and it is now necessary to transfer certain appropriations into different categories than were appropriated in the annual budget for the various functions of the **Information and Communications Technology Fund**;

WHEREAS, The Town Council has been advised that the transfer would involve creation and authorization of a major expense category, for which no appropriations were approved in the current budget;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes herein specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing appropriations of the **Information and Communications Technology Fund** have unobligated balances which will not be needed at this time for the purposes for which appropriated, so it will not be necessary to increase the 2009 budget, and may be transferred to a category of appropriation not heretofore present in this department or office of the fund, but now hereby authorized and established, as follows:

INFORMATION AND COMMUNICATIONS TECHNOLOGY FUND

Reduce Account #310.04 Tuition Training & Develop.	\$ 500.00
<i>Total 300 Series Reductions</i>	\$ 500.00
 Increase Account #200.03 Misc. Computer Supplies	 \$ 500.00
<i>Total 200 Series Increases</i>	<i>\$ 500.00</i>
 Total of All Fund Decreases:	 \$ 500.00
Total of All Fund Increases:	\$ 500.00

DULY RESOLVED and ADOPTED this 9th Day of February 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2009-09:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 from Rainy Day Fund to the Police Pension (1925 Act) Fund.

Councilor Novak moved the passage and adoption of Resolution No. 2009-09. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
RESOLUTION NO. 2009-09

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Police Pension (1925 Act) Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Rainy-Day Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of **\$177,000.00** be borrowed for the **Police Pension (1925 Act) Fund** with the amount of **\$177,000.00** to be loaned by the **Rainy Day Fund**;

Section 2. That said loan in the amount of **\$177,000.00** be repaid to the **Rainy Day Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Police Pension (1925 Act) Fund** with such loan to be repaid no later than December 31, 2009, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 9th day February 2009. Having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Works Board No. 2009-04:** An Order of the Works Board Authorizing the Lease-Purchase of Police Cars from First Midwest Bank acquired from Christenson Chevrolet.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2009-04. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2009-04**

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO A LEASE-PURCHASE AGREEMENT WITH FIRST MIDWEST BANK FOR THREE (3) 2009 CHEVROLET IMPALA POLICE CARS WITH SPECIAL POLICE EQUIPMENT PACKAGES, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be below \$25,000.00, no quotes from vendors will be sought but instead a purchase of three (3) Impala Police Cars, each equipped with a special police accessory package will be made in open market, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has identified Christenson Chevrolet, to be a desirable source vendor for the purchase of three (3) Impala Police Cars, each equipped with a special police accessory package at a unit price of \$22,135.75 each, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has further determined that the need to acquire three (3) Impala Police Cars, each equipped with a special police accessory package, would best be achieved by the employing capital lease for purchase, did solicit quotes from four vendors known to deal in the service sought and received the following quotes(s) from the following financial institution(s):

Fifth Third Bank	No response
First Midwest:	36 months at a rate of 5.95%
First Financial Bank	No response
Public Finance.Com	No response

Whereas, The Metropolitan Police Chief has determined to acquire the vehicles by Lease-Purchase, with **First Midwest**, at a fixed rate of 5.95%, with **First Midwest** acquiring the vehicles from **Christenson Chevrolet**; and

Whereas, The Metropolitan Police Commission and the Metropolitan Police Chief have represented seeking additional bids or quotes would not advance the process and may add undue cost to acquisition in time and money; and

Whereas, The duration of the proposed lease exceeds one (1) year and, pursuant to §31.18(C) of the Highland Municipal Code, requires the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The lease-purchase payments will be supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to enter into a lease purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1 That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed **small purchase** pursuant to IC 5-22 and §31.20(G) (2) of the Highland Municipal Code;

Section 2 That the Works Board hereby further finds and determines that the purchase through the capital lease represents a **special purchase** for which the purchasing agency has solicited for a purchase under another purchasing method described in IC 5-22 and HMC Section §31.20 and has not received a responsive offer besides the one submitted by First Midwest, and that undue delay may represent a risk to the public safety, pursuant to IC 5-22 and §31.20(F) of the Highland Municipal Code;

Section 3. That the Metropolitan Police Chief is hereby directed and authorized to lease to purchase three (3) 2009 Chevrolet Impala Police Equipped Cars, from **First Midwest Bank** in the annual lease-rental amount set forth in the lease agreement for a term of three (3) years, for the total amount of Sixty-six thousand, four hundred seven dollars and twenty five cents plus interest (\$66,407.25 plus interest), with First Midwest acquiring the cars from **Christenson Chevrolet** at the market price of \$22,135.75 each;

Section 4. That the terms of the Lease with **First Midwest** are reasonable and fair;

Section 5. That the Metropolitan Police Chief is authorized and directed to execute the lease purchase agreement and any additional documents in order to implement this lease purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

Be it So Ordered.

DULY, PASSED, ADOPTED and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 9th day of February 2009 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. *Authorization for the proper officer to advertise for hearing on additional appropriations in the General Improvement Fund.* Councilor Herak moved to authorize the proper officer to advertise for a hearing as indicated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The hearing was authorized.

**Comments from the Town Council Members
(Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison • Plan Commission member • Chamber of Commerce Co-Liaison • Lake County Solid Waste Management District Board of Directors • President's designee to Selection Centennial Commission.*

Councilor Zemen reported that the Redevelopment Commission would be meeting on February 11, 2009 at 7:00 p.m.

- **Councilor Mark Herak:** *Advisory Board of Zoning Appeals Liaison • Board of Waterworks Directors Liaison • Community Events Commission, Liaison.*

Councilor Herak noted that the Community Events Commission would be meeting on Thursday of that week and is working on finalizing food vendors for the Independence Day Festival.

- **Councilor Brian Novak:** *Town Board of Metropolitan Police Commissioners, Liaison • Traffic Safety Commission Member.*

Councilor Novak noted that the Traffic Safety Commission is studying issues at the intersection of Highway Avenue and Johnston Street.

- **Councilor Konnie Kuiper:** *Fire Department Liaison • Park and Recreation Board, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper commented that the Fire Department was doing well.

- **Councilor Dan Vassar:** *Town Executive • Police Pension Board of Trustees Chair • Budget Committee Chair • Board of Sanitary Commissioners.*

Council President Vassar commented favorably on the activity of the Board of Sanitary commissioners noting that the board had three new members. The Council President noted that the Board received a preliminary report on storm water management along Cady Marsh in the Southridge area and offered some recommendations for remediation. It was also noted that a plan to the effects of foundation drains along La Porte Street on storm water management was also discussed. The progress on the installation of generators was further noted.

Comments from the Public or Visitors.

1. Helen Pilpow, 9224 Kleinman Road, Highland, commented on the new format utility bill in which she represented that she and her neighbors noted a storm water charge and she. Ms. Pilpow objected to this charge noting she had no sewers but storm culverts.
2. Jim Diehl, 10104 Kennedy Avenue, Highland, inquired about the specifications of the several generators that would serve as power back-up for the storm and wastewater pumps of the Sanitary District.

Payment of Accounts Payable Vouchers. There being no further business from the public or visitors, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period January 27, 2009 through to February 09, 2009. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$464,437.35; Motor Vehicle Highway and Street (MVH) Fund, \$131,612.72; Law Enforcement Continuing Education and Training Fund, \$911.32; Insurance Premium Fund, \$413,766.95; Gasoline Agency Fund, \$17,362.60; Information and Communications Technology Fund, \$6,276.93; Civil Donation Fund, \$79.54; Highland Building Acquisition Fund, \$603.10; Police Pension Fund, \$58,389.37;

Municipal Cumulative Capital Development Fund, \$11,735.35; Traffic Violations Agency Fund, \$3,850.00; Safe Neighborhood Grant Fund, \$1,615.38; Total: \$1,110,640.61.

Adjournment. Councilor Zemen moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, February 09, 2009 was adjourned at 7:38 O'clock p.m. A study session immediately followed.

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, February 09, 2009 at 7:50 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Bernie Zemen was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the status of the Lincoln Community Center Retrofit and Reconstruction Project. The discussion included concerns raised by some councilors regarding the sufficiency of staffing for the current facility, and the adequacy of security, building use policy enforcement, and the standard of maintenance employed presently for the existing facility.

The discussion included whether or not the existing reconstruction plans should include a Fitness Center facility and the competing merits of elevating a track to serve as the walking track in the current Field house.

The discussion included an acknowledgment of the pendency of a petition drive that may have attained sufficient signatures to trigger petition and remonstrance process. Discussion additionally included whether or not there should be an effort convene a joint meeting with the Parks and Recreation Board and the Town Council to review the concerns as discussed at this meeting and what steps could be taken to assuage the concerns of some of the council members such that the project could move forward.

There being no further business for discussion before the Town Council, the study session following the standing meeting of **Monday, February 09, 2009** was adjourned at 9:15 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer